

UNITED STATES DISTRICT COURT

Southern District of West Virginia

Antonio-Devon: Smith, TTEE,

Plaintiff,

v.

Charleston Police Department, the Magistrate/Circuit Court, Victor & Victor LLP, and South Central Regional Jail and Correctional Facility,

Defendants.

Case No.: 25-F-103

PLAINTIFF'S MOTION FOR A PERMANENT INJUNCTION

INTRODUCTION

Plaintiff, Antonio-Devon: Smith, TTEE, files this Motion for a Permanent Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure to enjoin Defendants from continuing to violate Plaintiff's constitutional rights through false arrest, deprivation of rights under color of law **10 USC §242**, common law copyright violations, excessive use of force, kidnapping, and holding Plaintiff against their will without due process. Additionally, Plaintiff seeks relief from Defendant's racketeering practices, which include using a bond as a means to release an unlawfully detained individual. Furthermore, Plaintiff's right to self-representation under 28 U.S.C. § 1654 has been unlawfully altered by the courts, violating Plaintiff's fundamental rights.

JURISDICTION AND VENUE

This Court has jurisdiction under **28 U.S.C. § 1331** (federal question) and **28 U.S.C. § 1343(a)(3)-(4)** (civil rights violations).

Venue is proper pursuant to **28 U.S.C. § 1391(b)** because the events giving rise to this claim occurred within this District.

FACTUAL BACKGROUND

3. Plaintiff was falsely arrested without probable cause and was subjected to excessive use of force by Defendant's agents.
4. Defendant unlawfully deprived Plaintiff of their constitutional rights under color of law.
5. Plaintiff was unlawfully kidnapped and held against their will without proper due process, in violation of the Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution.
6. Defendant engaged in racketeering by imposing an unlawful bond as a means to extort money in exchange for Plaintiff's release.
7. Defendant has also engaged in unauthorized use, modification, reproduction, or distribution of Plaintiff's copyrighted work(s) in violation of common law copyright protections.
8. Defendant has stripped Plaintiff of their right to self-representation in violation of 28 U.S.C. § 1654, which guarantees individuals the right to conduct their own cases personally.
9. Defendant's actions have caused Plaintiff irreparable harm, including but not limited to loss of liberty, physical and emotional distress, reputational damage, financial loss due to missing out on job



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opportunities while falsely incarcerated, and ongoing constitutional violations.

10. Defendant failed to establish probable cause for the initial stop, as the stated reason was a driver's side tail light being out, yet no citation was issued for this alleged violation, demonstrating pretextual intent and an unlawful detention.

11. The defendants failed to read the Plaintiff his Miranda rights during arrest, violating his Fifth and Sixth Amendment protections.

LEGAL STANDARD

12. A permanent injunction is warranted when the plaintiff demonstrates:

- a) **Irreparable injury;**
- b) **Inadequate legal remedies** (monetary damages alone are insufficient);
- c) **A balance of hardships favoring the plaintiff;** and
- d) **That the injunction serves the public interest.**

13. Plaintiff has met all four factors as follows:

- a) Defendant's ongoing violation of Plaintiff's rights constitutes irreparable harm.
- b) Legal remedies are inadequate as no monetary compensation alone can rectify the loss of liberty, deprivation of rights, and abuse of power.
- c) The balance of hardships weighs in Plaintiff's favor, as Defendant's unlawful conduct must be stopped.
- d) Granting an injunction will uphold constitutional protections and prevent further abuse of state authority.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

- 1. Issue a **PERMANENT INJUNCTION** enjoining Defendants, its agents, employees, and affiliates from:
 - a) Engaging in false arrests, excessive use of force, and deprivation of rights under color of law.
 - b) Kidnapping and holding individuals against their will without proper due process.
 - c) Imposing unlawful bond requirements as a means of extortion and racketeering.
 - d) Using, reproducing, distributing, or modifying Plaintiff's copyrighted work without authorization.
 - e) Violating Plaintiff's right to self-representation under **28 U.S.C. § 1654**.
- 2. Declare Defendant's actions unconstitutional and unlawful.
- 3. Return of Plaintiff's firearm, magazines, holster, pocket knife, and all other items taken during unlawful arrest.
- 4. Lift any physical travel restrictions imposed on Plaintiff, restoring his right to move freely between states without limitation.
- 5. Award Plaintiff any other relief deemed just and proper, including the complete dismissal of the Defendant's legal pursuit.

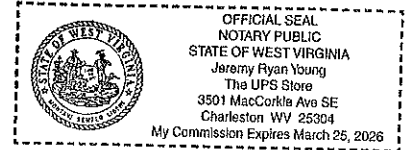
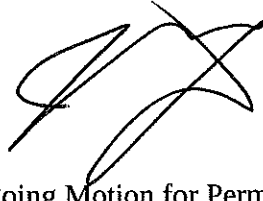
Respectfully submitted,

State of WV
County of Kanawha
Signed before me on 2/27/25 by Antonio-Devon Smith.

Antonio-Devon: Smith, TTEE

[Your Signature] Antonio-Devon: Smith TTEE

[Date] 02/27/2025



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Permanent Injunction was served to Charleston Police Department, the Magistrate/Circuit Court, Victor & Victor LLP, and South Central Regional Jail and Correctional Facility via Certified mail on [Date]. 02/28/2025

Antonio-Devon: Smith, TTEE

[Your Signature] Antonio-Devon: Smith TTEE

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